

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 992

Introduced by Fulton, 29.

Read first time January 12, 2012

Committee: General Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
2 sections 53-180 and 53-180.05, Revised Statutes
3 Supplement, 2011; to prohibit the presence of minors on
4 certain licensed premises as prescribed; to change and
5 provide for penalties; and to repeal the original
6 sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-180, Revised Statutes Supplement,
2 2011, is amended to read:

3 53-180 (1) No person shall sell, furnish, give away,
4 exchange, or deliver, or permit the sale, gift, or procuring of, any
5 alcoholic liquors to or for any minor or to any person who is
6 mentally incompetent.

7 (2) No minor shall be permitted entry into or remain on
8 the premises of any establishment holding a Class A, Class C, or
9 Class I license other than a club, a hotel, or a restaurant unless
10 the minor is an employee of the licensee.

11 Sec. 2. Section 53-180.05, Revised Statutes Supplement,
12 2011, is amended to read:

13 53-180.05 (1)(a) Except as provided in subsection ~~(2)~~(1)
14 (b) of this section, any person who violates subsection (1) of
15 section 53-180 shall be guilty of a Class I misdemeanor.

16 ~~(2)~~(b) Any person who knowingly and intentionally
17 violates section 53-180 shall be guilty of a Class IIIA felony and
18 serve a mandatory minimum of at least thirty days' imprisonment as
19 part of any sentence he or she receives if serious bodily injury or
20 death to any person resulted and was proximately caused by a minor's
21 (a) consumption of the alcoholic liquor provided or (b) impaired
22 condition which, in whole or in part, can be attributed to the
23 alcoholic liquor provided.

24 (2) Any person who violates subsection (2) of section
25 53-180 shall be guilty of a Class IV misdemeanor.

1 (3) Any person who violates any of the provisions of
2 section 53-180.01 or 53-180.03 shall be guilty of a Class III
3 misdemeanor.

4 (4) Any person older than eighteen years of age and under
5 the age of twenty-one years violating section 53-180.02 is guilty of
6 a Class III misdemeanor.

7 (5) Any person eighteen years of age or younger violating
8 section 53-180.02 is guilty of a misdemeanor as provided in section
9 53-181 and shall be punished as provided in such section.

10 (6) Any person who knowingly manufactures, creates, or
11 alters any form of identification for the purpose of sale or delivery
12 of such form of identification to a person under the age of twenty-
13 one years shall be guilty of a Class I misdemeanor. For purposes of
14 this subsection, form of identification means any card, paper, or
15 legal document that may be used to establish the age of the person
16 named thereon for the purpose of purchasing alcoholic liquor.

17 (7) When a minor is arrested for a violation of sections
18 53-180 to 53-180.02 or subsection (6) of this section, the law
19 enforcement agency employing the arresting peace officer shall make a
20 reasonable attempt to notify such minor's parent or guardian of the
21 arrest.

22 Sec. 3. Original sections 53-180 and 53-180.05, Revised
23 Statutes Supplement, 2011, are repealed.